formal expressions of intent to file an OFA under 49 CFR 1152.27(c)(2),[2] and trail use/rail banking statements under 49 CFR 1152.29 must be filed by April 20, 1995.[3] Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by May 1, 1995, with: Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423–191.

A copy of any petition filed with the Commission should be sent to applicant's representative: James R. Paschall, Norfolk Southern Corporation, Three Commercial Place, Norfolk, VA 23510.

If the notice of exemption contains false or misleading information, the exemption is void *ab initio.*

NS has filed an environmental report which addresses the abandonment's effects, if any, on the environment and historic resources. The Section of Environmental Analysis (SEA) will issue an environmental assessment (EA) by April 14, 1995. Interested persons may obtain a copy of the EA by writing to SEA (Room 3219, Interstate Commerce Commission, Washington, DC 20423) or by calling Elaine Kaiser, Chief of SEA, at (202) 927–248. Comments on environmental and historic preservation matters must be filed within 15 days after the EA becomes available to the public.

Environmental, historic preservation, public use, or other trail use/rail banking conditions will be imposed, where appropriate, in a subsequent decision.

Decided: April 4, 1995.

By the Commission, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. 95–8711 Filed 4–7–95; 8:45 am]

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by a party or by the Commission in its independent investigation) cannot be made before the exemption's effective date. *See Exemption of Out-of-Service Rail Lines,* 5 I.C.C.2d 377 (1989). Any request for stay should be filed as soon as possible so that the Commission may take appropriate action before the exemption's effective date.

[2] *See Exempt. of Rail Abandonment—Offers of Finan. Assist.,* 4 I.C.C.2d 164 (1987).

[3] The Commission will accept a late-filed trail use request so long as the abandonment has not been consummated and the abandoning railroad is willing to negotiate an agreement.

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. 94–82]

Earl N. Caldwell, M.D.; Revocation of Registration

On August 31, 1994, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA), issued an Order to Show Cause to Earl N. Caldwell, M.D. of Highland Park, Illinois (Respondent), proposing to revoke his DEA Certificate of Registration, BC0950104, and deny any pending applications for registration as a practitioner. The statutory basis for the Order to Show Cause was that Respondent's continued registration would be inconsistent with the public interest pursuant to 21 U.S.C. 823(f), and that Respondent was no longer authorized to handle controlled substances in the State of Illinois. 21 U.S.C. 824 (a)(3) and (a)(4).

Respondent, through counsel, requested a hearing on the issues raised in the Order to Show Cause and the matter was docketed before Administrative Law Judge Mary Ellen Bittner. Following prehearing procedures, the Government filed a motion for summary disposition on October 11, 1994, alleging that Respondent no longer held state authorization to handle controlled substances on the ground that the Illinois Department of Professional Responsibility, Medical Disciplinary Board, had placed Respondent's medical license on probation for five years and suspended his authority to handle controlled substances for the duration of that probationary term. Respondent filed an opposition to the Government's motion for summary disposition on October 31, 1994, arguing that the Illinois Board's decision had been rendered in error and, therefore, was not final pending administrative review.

On November 2, 1994, the administrative law judge entered her opinion and recommended a decision granting the Government's motion for summary disposition and recommending that the Respondent's DEA Certificate of Registration be revoked. No exceptions were filed by either party.

On December 2, 1994, the administrative law judge transmitted the record to the Deputy Administrator. After a careful consideration of the record in its entirety, the Deputy Administrator enters his final order in this matter pursuant to 21 CFR 1316.67, based on findings of fact and conclusions of law as set forth herein.

Effective May 13, 1992, the Illinois Department of Professional Responsibility, Medical Disciplinary Board, suspended Respondent's license to practice medicine for five years and suspended his authority to handle controlled substances for the duration of that period. Respondent does not deny that his state license has been placed on probation for five years. As a result, Respondent is no longer authorized to dispense controlled substances in the State of Illinois.

The DEA has consistently held that it does not have statutory authority under the Controlled Substances Act to register a practitioner unless that practitioner is authorized to dispense controlled substances by the state in which he proposes to practice. *See Lawrence R. Alexander, M.D.,* 57 FR 22256 (1992); *Bobby Watts, M.D.,* 53 FR 11919 (1988); *Robert F. Witek, D.D.S.,* 52 FR 4770 (1987).

In a case where a practitioner is no longer authorized to handle controlled substances in the state in which he proposes to practice, a motion for summary disposition is properly entertained. It is well settled that where no question of fact exists, or where the material facts are agreed, a plenary administrative proceeding is not required. *Phillip E. Kirk, M.D.,* 48 FR 32887 (1983), aff'd sub nom *Kirk v. Mullen,* 749 F.2d 297 (6th Cir. 1984).

The Deputy Administrator adopts the Opinion and Recommended Decision of the Administrative Law Judge in its entirety. Accordingly, the Deputy Administrator of the Drug Enforcement Administration, pursuant to the authority vested in him by 21 U.S.C. 823 and 824 and 28 CFR 0.100(b) and 0.104, hereby orders that DEA Certificate of Registration, BC0950104, previously issued to Earl N. Caldwell, M.D., be, and it hereby is, revoked, and any pending applications for such registration be, and hereby are, denied. This order is effective May 10, 1995.

Dated: April 3, 1995.

Stephen H. Greene,

Deputy Administrator.

FR. Doc. 95–8650 Filed 4–7–95; 8:45 am]

BILLING CODE 4410–09–M

[Docket No. 94–76]

Rosalind A. Cropper, Inc.; Denial of Application

On August 31, 1994, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA), issued an Order

to Show Cause to Rosalind A. Cropper, M.D. and Rosalind A. Cropper, Inc., of New Orleans, Louisiana, proposing to revoke her DEA Certificate of Registration, BC0747381, as a practitioner, deny any pending application for registration as a practitioner and deny the application of Rosalind A. Cropper, Inc. (Respondent) for DEA registration as a Narcotic Treatment Program (NTP). The statutory basis for the Order to Show Cause was that Dr. Cropper's continued registration as a practitioner and Respondent's registration as an NTP would be inconsistent with the public interest as that term is used in 21 U.S.C. 823(f).

Respondent, through counsel, requested a hearing on the issues raised in the Order to Show Cause, and the matter was docketed before Administrative Law Judge Mary Ellen Bittner. On December 16, 1994, the Government filed a motion for summary disposition alleging that the State of Louisiana had denied Respondent's application to operate an NTP within that State, and, that Respondent lacked authority from the Food and Drug Administration (FDA) to operate an NTP. The Government's motion was supported by a letter from an FDA official informing Respondent that because the State of Louisiana had denied its application to establish an NTP, the FDA was unable to approve its application. Respondents did not file a response to the Government's motion and did not deny that FDA and the State of Louisiana has denied its applications.

On January 18, 1995, Judge Bittner issued her Opinion and Recommended Decision of the Administrative Law Judge and Order Severing Proceedings recommending that Respondent's application for DEA Certificate of Registration as an NTP be denied. Judge Bittner also ordered that the proceeding involving the proposed revocation of Respondent's registration as a practitioner be severed from Docket 94–76, be redocketed, and that the parties continue with prehearing procedures regarding that matter. No exceptions to Judge Bittner's opinion were filed by either party.

On February 21, 1995, the administrative law judge transmitted the record to the Deputy Administrator. After a careful consideration of the record in its entirety, the Deputy Administrator enters his final order in this matter, pursuant to 21 CFR 1316.67, based on findings of fact and conclusions of law as set forth herein.

By letter dated December 16, 1994, Respondent was advised that the FDA was unable to approve her application to the FDA to operate an NTP because the State of Louisiana had denied her application to establish an NTP. Judge Bittner held that DEA does not have statutory authority under the Controlled Substances Act to register an NTP unless that entity is authorized by the FDA to dispense controlled substances. 21 U.S.C. 823(g). In a proceeding to obtain registration as an NTP, if the applicant does not possess the requisite FDA authorization to operate an NTP, a motion for summary disposition is properly entertained for it is well settled that where no question of fact exists, or where the material facts are agreed, a plenary administrative proceeding is not required. *Phillip E. Kirk, M.D.*, 48 FR 32887 (1983), aff'd sub nom, *Kirk* v. *Mullen*, 749 F.2d 297 (6th Cir. 1984).

Accordingly, the Deputy Administrator adopts the Opinion and Recommended Decision of the Administrative Law Judge in its entirety. Based on the foregoing, the Deputy Administrator of the Drug Enforcement Administration pursuant to the authority vested in him by 21 U.S.C. 823 and 824 and 28 CFR 0.100(b) and 0.104, hereby orders that Respondent's application for DEA Certificate of Registration as an NTP be, and it hereby is, denied. This order is effective May 10, 1995.

Dated: April 3, 1995.

Stephen H. Greene,

Deputy Administrator.

[FR Doc. 95–8651 Filed 4–7–95; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–29,352]

Hasbro, Inc. a/k/a Tonka Corporation El Paso Operations; El Paso, TX; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 USC 2273) the Department of Labor issued a Certification of Eligibility to Apply for Work Adjustment Assistance applicable to all workers of the subject firm.

The certification notice was issued on March 16, 1994 published in the **Federal Register** on March 30, 1994 (59 FR 14876).

At the request of the State Agency, the Department reviewed the certification for workers of the subject firm. New findings show that some of the workers had their unemployment insurance taxes paid under Tonka Corporation, a division of Hasbro, Inc.

Accordingly, the Department is amending the certification to properly reflect this matter.

The amended notice applicable to TA–W–29,352 is hereby issued as follows:

''All workers of workers and former workers at Hasbro, Inc., also known as (a/k/a) Tonka Corporation, El Paso Operations, El Paso, Texas who became totally or partially separated from employment on or after December 14, 1992 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.''

Signed at Washington, D.C., this 30th day of March 1995.

Victor J. Trunzo,

Program Manager, Policy and Reemployment Services, Office of Trade Adjustment Assistance.

[FR Doc. 95–8723 Filed 4–7–95; 8:45 am]

BILLING CODE 4510–30–M

[TA–W–30,505]

Cushman Industries, Inc.; Hartford, CT; Notice of Revised Determination on Reconsideration

On March 7, 1995, the Department issued an Affirmative Determination Regarding Application for Reconsideration for workers and former workers of the subject firm. The notice was published in the **Federal Register** on March 17, 1995 (60 FR 14452).

The findings show that the Hartford, Connecticut plant closed in December, 1994 when all production workers were laid off and production ceased.

New findings on reconsideration show that the company had increased imports of chucks in the relevant period.

Conclusion

After careful consideration of the new facts obtained on reconsideration, it is concluded that the workers at Cushman Industries, Hartford, Connecticut were adversely affected by increased imports of articles like or directly competitive with the chucks produced at Cushman Industries in Hartford, Connecticut. In accordance with the provisions of the Act, I make the following revised determination for workers of Cushman Industries, Hartford, Connecticut.

''All workers of Cushman Industries in Hartford, Connecticut who became totally or partially separated from employment on or after November 2, 1993 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.''